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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,393	06/03/2002	George Lange Paul	11848/5	3914

23838 7590 09/24/2004

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EXAMINER	
THOMAS, ERIC W	

ART UNIT	PAPER NUMBER
2831	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/019,393	PAUL ET AL.	
	Examiner	Art Unit	
	Eric W Thomas	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *64-90* is/are pending in the application.

4a) Of the above claim(s) *86-90* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *64-85* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of invention I in the reply filed on 7/30/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

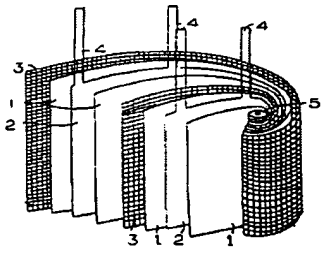
4. Claim 76 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not support "the collecting means sequesters bromide or chlorine from the housing".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 64-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Anselman (US 5,779,891).



Anselman discloses in fig. 5, a charge storage device including a housing (17), at least two opposed electrodes (1,2) disposed within the housing; a separator (3) disposed intermediate the electrodes; an electrolyte (working fluid that is being treated) disposed intermediate the electrodes; and collecting means (1) disposed within the housing for sequestering one or more predetermined contaminants from within the housing.

Regarding claim 65, Anselman discloses the electrodes each include a coating (1) and the collecting means is one component of at least one of the coatings.

Regarding claim 66, Anselman discloses the coatings include an activated carbon (col. 4 lines 50-65) and the collecting means is incorporated into the at least one coating.

Regarding claim 67, Anselman discloses the at least one coating includes a binder and the collecting means is contained within the binder (col. 5 lines 1-6).

Regarding claim 68, Anselman discloses the collecting means is activated to sequester the one or more contaminants.

Regarding claim 69, Anselman discloses the collecting means is included within the binder. Regarding the limitation "prior to activation" is a method of forming the device. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 70, Anselman discloses the collecting means is activated. Regarding the limitation, "prior to inclusion of the collecting means within the binder" is a method of forming the device. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 71, Anselman discloses the collecting means is activated. Regarding the limitation, "either prior to or during the assembly of the charge storage device" is a method of forming the device. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Regarding claim 72, Anselman discloses the collecting means is activated. Regarding the limitation, "is activated by exposure to predetermined wavelengths and intensities of electromagnetic radiation" is a method of forming the device. The method

of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

7. Claims 64, 74, 77, 81, 83-85 are rejected under 35 U.S.C. 102(b) as being anticipated by Chaloner-Gill (US 5,445,856).

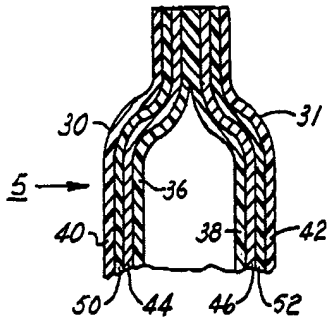


Fig. 4

Chaloner-Gill discloses in fig. 4, a charge storage device including a housing (outer layers 40, 44, 50), at least two opposed electrodes disposed within the housing; a separator disposed intermediate the electrodes; an electrolyte disposed intermediate the electrodes; and collecting means (36 – oxygen scavenging agent) disposed within the housing for sequestering one or more predetermined contaminants from within the housing (as noted by applicant: "oxygen scavenging agent incorporated in one of the layers of the laminate").

Regarding claim 74, Chaloner-Gill discloses the collecting means sequesters oxygen from the housing.

Regarding claim 77, Chaloner-Gill discloses the sequestering results in the contaminants being isolated from the charge storage operation of the device (inherent feature – the oxygen scavenging agent is found in the last layer of the laminate).

Regarding claim 81, Chaloner-Gill discloses the collecting means is a scavenging species.

Regarding claim 83, Chaloner-Gill discloses the housing includes an interior surface and an exterior surface, and the collecting means is disposed on the interior surface.

Regarding claim 84, Chaloner-Gill discloses a method for constructing a charge storage device having a housing, the method including the step of providing collecting means disposed within the housing for sequestering one or more predetermined contaminants form the housing.

Regarding claim 85, Chaloner-Gill discloses a charge storage device including: a housing; at least two opposed electrodes disposed within the housing; a separator disposed intermediate the electrodes; an electrolyte disposed intermediate the electrodes; and collecting means for allowing removal of one or more predetermined contaminants form the housing.

8. Claims 64, 73, 76, & 78 are rejected under 35 U.S.C. 102(b) as being anticipated by Nidola et al. (US 4,037,032).

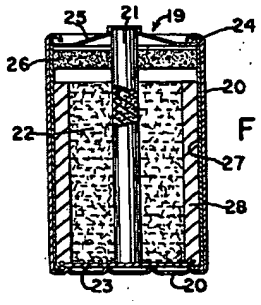


FIG.3

Nidola et al. disclose in fig. 3, a charge storage device including a housing (20), at least two opposed electrodes disposed within the housing; a separator (col. 3 lines

45-65) disposed intermediate the electrodes; an electrolyte (col. 3 lines 45-65) disposed intermediate the electrodes; and collecting means (claim 1) disposed within the housing for sequestering one or more predetermined contaminants from within the housing.

Regarding claim 73, Nidola et al. disclose the collecting means is contained in the electrolyte (claim 1).

Regarding claim 76, Nidola et al. disclose the collecting means sequesters bromine (claim 1).

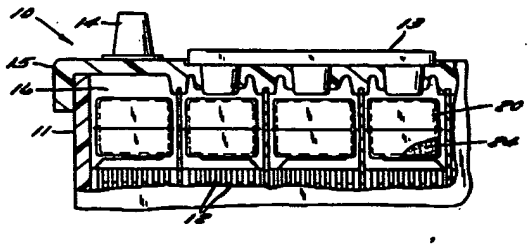
Regarding claim 78, Nidola et al. disclose the sequestering results in a chemical change of the contaminants.

Regarding claim 79, Nidola et al. disclose the collecting means is a component of the electrolyte and the sequestering results in additional electrochemical activity (inherent feature – discloses the same claimed properties).

Regarding claim 80, Nidola et al. disclose the additional activity improves the overcharge performance of the device (inherent feature – discloses the same claimed properties).

Regarding claim 82, Nidola et al. disclose the collecting means is incorporated into the separator.

9. Claims 64, 75 are rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. (US 5,219,676).



Bullock et al. disclose in fig. 1, a charge storage device including a housing (11, 15), at least two opposed electrodes disposed within the housing; a separator disposed intermediate the electrodes; an electrolyte disposed intermediate the electrodes; and collecting means (24) disposed within the housing for sequestering one or more predetermined contaminants from within the housing (water vapor).

Regarding claim 75, Bullock et al. disclose the collecting means sequesters water from the electrolyte.

10. Claim 64 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 52-116837 ('837).

'837 discloses a charge storage device including a housing, at least two opposed electrodes disposed within the housing; a separator disposed intermediate the electrodes; an electrolyte disposed intermediate the electrodes; and collecting means (abstract) disposed within the housing for sequestering one or more predetermined contaminants from within the housing.

Conclusion

In order to ensure full consideration of any amendments, affidavits, or declaration, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1. 116 which will be strictly enforced.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric W Thomas whose telephone number is 571-272-1985. The examiner can normally be reached on M,Tu,Sat 9 am - 9:30 pm; W, Th, F 6 pm -10:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric W Thomas

ewt

9/17/04

Examiner
Art Unit 2831